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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,460	08/24/2000	Sudesh Kamath	ORCL5665	4382

7590 05/23/2003

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EXAMINER

BROWN, TIMOTHY M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,460

Applicant(s)

KAMATH ET AL.

Examiner

Tim Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 17 September 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-45 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16-30 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Claim 16 fails to recite any structural connection between the “at least one data storage device” (line 4) and the rest of the claim elements. Claims 17-30 depend from claim 16 and are therefore rejected for incorporating the deficiencies of claim 16.

4. Claims 16-30 are also rejected under 35 U.S.C. § 112, second paragraph as being indefinite for defining an apparatus by its function. Although claim 16 is directed to a computer system, line 5 of the claim recites “a plurality of processes spawned by said at least one processor” MPEP § 2173.05(g) provides functional limitations in an apparatus claim must “precisely define present structural attributes of interrelated component parts” The Examiner submits a “plurality of processes” does not define a relationship between the structural attributes of the claimed invention. Consequently, claim 16 is indefinite for failing to particularly point out and distinctly claim Applicants’ invention. Claims 17-30 depend from claim 16 and are therefore rejected for

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incorporating the deficiencies of claim 16. It is recommended that Applicants amend claim 16 by replacing "a plurality of processes" with "a computer readable medium."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-14, 16-29 and 31-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (US 6,167,383) in view of Wilson (Wilson, T.**

"SpaceWorks Upgrade Gets Orders in Order – Version 4.2 Offers Quote Management And Customer Surveys" InternetWeek (December 6, 1999)).

Regarding claims 1-14, 16-29 and 31-44, Henson teaches an online store for creating a customized computer. According to Henson, users operate a system configuration screen to select a number of computer component options. See Abstract. The product options are dynamically presented to the user based on an association of the user's identity with a prescribed customer set. *Id.* Product options are selected by pointing and clicking. Col. 6, lines 1-5. The configuration screen includes a pricing option module having a pricing update function. Col. 6, lines 21-25. The pricing update function provides users with the price of a current computer configuration in response to the activation of an "Update Price" icon. Col. 6, lines 24-26. If user is satisfied with his product configuration, he may proceed to a customized checkout. Col. 12, lines 28-40.

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The customized checkout simplifies the ordering process by automatically determining the user's order parameters. *Id.*

Henson does not expressly teach automatically converting the user's current product configuration into a product order after a predetermined period of time. However, SpaceWorks overcomes this deficiency by disclosing a quote management system that automatically converts an RFQ to an order. The RFQ may be based on a build-to-order product. See page 1.

Because the objective of Henson is to simplify the ordering of a customized product, one of ordinary skill in the art would be inclined to modify Henson with the teachings of SpaceWorks. Including Spaceworks' ability to automatically convert an RFQ to an order would enhance the ability of Henson to automate the ordering of customized computer products. Therefore, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Henson with Spaceworks' teaching of automatically converting an RFQ to an order after a predetermined period of time.

7. Claims 15, 30 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Wilson and Official Notice.

Regarding claims 15, 30 and 45, Henson and Wilson teach all the limitations discussed under claims 1-14, 16-29 and 31-44. Henson and Wilson do not expressly teach sending an email to the customer when the first quote is converted into the first order. However, the Examiner takes Official Notice that sending customers a purchase confirmation by email is old and well-known in the Internet commerce art.

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Consequently, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Henson and Wilson to include sending an email to the customer when the first quote is converted into the first order. This combination would provide users with a notification that their order has been received.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Puri (US 6,064,982) directed to a system for recommending a configuration to a customer based on an interactive data-gathering session;
- b. Martizen et al. (US 5,870,719) directed to a quote rule-based product configuration system;
- c. Cram et al. (US 5,963,953) a method for configuring a complex product including the step of converting a composite product to a sales quote; and
- d. "FlexiInternational Software adds Inventory & Order entry to its suite of products" Business Wire (October 15, 1996).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

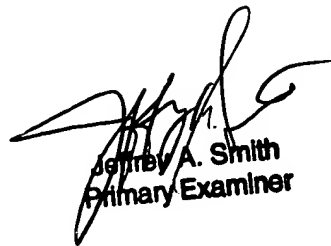
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Tim Brown
Examiner
Art Unit 3625

TB
May 18, 2003



Jennifer A. Smith
Primary Examiner